

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,

vs.

2:10-CR-109

OSCAR GONZALEZ,

Defendant.

EXCERPT TRANSCRIPT OF CHANGE OF PLEA HEARING
BEFORE THE HONORABLE RUDY LOZANO
UNITED STATES DISTRICT JUDGE
JUNE 26, 2012

FOR THE GOVERNMENT:

David J. Nozick
U.S. Attorney's Office
5400 Federal Plaza, Suite 1500
Hammond, Indiana 46320
219-937-5500

FOR THE DEFENDANT:

Bruce D. Parent
Law Office of Bruce D. Parent PC
260 East 90th Drive
Merrillville, Indiana 46410
219-681-6497

Court Reporter:

Kelly M. Fitzgerald, RMR, CRR
Official Court Reporter
United States District Court
5400 Federal Plaza, Suite 4082
Hammond, Indiana 46320
219-852-3616

Proceedings reported by stenotype. Transcript produced by
computer-aided transcription.

1 (WHEREUPON, the following is an excerpt transcript of the
2 proceedings held on June 26, 2012, with Defendant Oscar
3 Gonzalez:)

4 EXAMINATION

5 BY THE COURT:

6 Q. Mr. Gonzalez, I want you to take a moment, get your
7 thoughts together, and then I want you to tell me, in your own
8 words, what happened and why are you guilty of these two
9 charges.

10 (WHEREUPON, discussion was had off the record between
11 counsel and defendant.)

12 THE DEFENDANT: I'm ready, Your Honor.

13 BY THE COURT:

14 Q. Go ahead.

15 A. I'm guilty because I -- I participated with -- in the
16 Latin Kings organization in posting up and patrolling and
17 doing other activities that -- that require you to be a
18 soldier of the Latin Kings, and also participated in
19 distributing cocaine and marijuana as part of being a member
20 of the Latin Kings.

21 Q. Let's back up a little bit. You say you belong to the
22 Latin King organization. Is that also known as the Almighty
23 Latin King and Queen Nation?

24 A. Yes, Your Honor.

25 Q. Is that an organization that is situated in Indiana?

1 A. No, Your Honor. It's an organization that's situated in
2 Chicago on 99th and Ewing.

3 Q. Well, do they have some members here in Indiana?

4 A. Yes, Your Honor.

5 Q. Do they have some members in all the other states of this
6 country for the most part?

7 A. Yes, Your Honor.

8 Q. Okay. When did all of this occur? When did it start and
9 when did it finish?

10 A. Hold on a second, Your Honor.

11 (WHEREUPON, discussion was had off the record between
12 counsel and defendant.)

13 THE DEFENDANT: Well, Your Honor, the indictment goes
14 back to 1989.

15 BY THE COURT:

16 Q. You have to speak up.

17 A. Your Honor, the indictment goes back to 1989, but my
18 involvement started in 2003 and ended in 2009.

19 Q. Started in 2003 for you and ended when?

20 A. In 2009.

21 Q. Okay. During that period of time, where did it occur?

22 A. In Indiana and Chicago, Your Honor.

23 Q. Okay. Besides Chicago, are you talking about Chicago,
24 Illinois?

25 A. Chicago, Illinois, Your Honor.

1 Q. Where in Indiana?

2 A. Hammond, Indiana, Your Honor.

3 Q. Is that in the Northern District of Indiana?

4 A. Yes, Your Honor.

5 Q. During that period of time, were you a member of the
6 Latin Kings?

7 A. Yes, Your Honor.

8 Q. And the Almighty Queen Nation?

9 A. Yes, Your Honor.

10 Q. Okay. What position did you have with them?

11 A. I was a street soldier, Your Honor.

12 Q. You were what?

13 A. A soldier, Your Honor.

14 Q. Soldier?

15 A. Yes, Your Honor.

16 Q. Okay. During that period of time, what activities did
17 the Latin King -- I'm going to refer to them only as Latin
18 Kings only. What activities did they do? What were they
19 involved in?

20 MR. PARENT: Use your own words.

21 THE DEFENDANT: Anywhere from selling drugs to murder.

22 BY THE COURT:

23 Q. Okay. Okay. Let's stand up and let's back up a little
24 bit. You say anywhere from selling drugs. What kind of
25 drugs?

1 A. Marijuana, cocaine.

2 Q. Are those narcotic-controlled substances?

3 A. Yes, Your Honor.

4 Q. Okay. And you say and murder?

5 A. Yes.

6 Q. Murder of individuals?

7 A. Yes, Your Honor.

8 Q. Did they commit robberies?

9 A. Yes, Your Honor.

10 Q. Burglaries?

11 A. Yes, Your Honor.

12 Q. Anything else?

13 A. No, Your Honor.

14 Q. Okay. And what did you do as a soldier during that
15 period of time?

16 A. I participated in posting up and patrolling the
17 neighborhood that I was assigned to, Your Honor.

18 Q. You participated in the neighborhood?

19 A. I participated in patrolling the neighborhood that I
20 belonged to from the Latin Kings.

21 Q. Okay. You say patrolling it. What do you mean by that?

22 A. Posting up, Your Honor. Posting up, Your Honor.

23 MR. PARENT: Explain to him what that means.

24 THE DEFENDANT: Being in the neighborhood and just --
25 just patrolling it from other rival gangs, Your Honor.

1 BY THE COURT:

2 Q. Why did you do that?

3 A. It was part of being a Latin King, Your Honor.

4 Q. Why did the Latin Kings do it? Why did they want you
5 there?

6 A. To defend it from other rival gang members and to
7 distribute narcotics.

8 Q. And during that period of time, were the Latin Kings
9 selling drugs?

10 A. Yes, Your Honor.

11 Q. And were they selling cocaine and marijuana?

12 A. Yes, Your Honor.

13 Q. Did you sell any of these drugs?

14 A. Yes, Your Honor.

15 Q. Which ones did you sell?

16 A. Marijuana, Your Honor.

17 Q. Okay. And the cocaine and the marijuana that they sold,
18 how much did they sell during that period of time?

19 A. According to the indictment, they sold anywhere from
20 5 kilos of cocaine to a thousand kilograms of marijuana.

21 Q. Okay. To the best of your knowledge and what you saw,
22 did they sell at least that amount of cocaine and marijuana?

23 A. I believe so, Your Honor.

24 Q. Okay. They sold quite a bit?

25 A. Yes, Your Honor.

1 Q. And that was foreseeable?

2 A. Yes, Your Honor.

3 Q. Okay. Did you patrol your neighborhood, your section or
4 your area, to try to make the Latin Kings successful in being
5 able to sell these drugs?

6 A. Yes, Your Honor.

7 Q. Okay. And where was your section that you patrolled?

8 A. On 99th and Ewing -- 99th and Ewing, Chicago, Illinois,
9 Your Honor.

10 Q. Anywhere else?

11 A. No, Your Honor.

12 Q. And where was it that you sold the marijuana?

13 A. In Indiana, Your Honor.

14 Q. Where in Indiana?

15 A. Hammond, Indiana.

16 Q. Okay. And did the Latin Kings do all of their activities
17 both, among other places, in Chicago and in the Northern
18 District of Indiana?

19 A. I believe so, Your Honor.

20 Q. Okay. Did you do all of this knowingly and voluntarily?

21 A. Yes, Your Honor.

22 Q. Anybody force you to do it?

23 A. No, Your Honor.

24 Q. And did you know that it was against the law to possess
25 and sell these drugs?

1 A. Yes, Your Honor.

2 Q. And, yet, you assisted the Latin Kings in doing that?

3 A. Yes, Your Honor.

4 Q. Were you involved in any way with regards to any of the
5 murders?

6 A. Yes, Your Honor.

7 Q. What did you do?

8 A. I participated in a murder, Your Honor.

9 Q. How did you do that?

10 A. By being present. By being present, Your Honor.

11 Q. Okay. Did you do the actual killing?

12 A. No, Your Honor.

13 Q. Okay. Did you drive somebody?

14 A. No, Your Honor.

15 Q. Were you with the people that were doing the killing?

16 A. Yes, Your Honor.

17 Q. And who was it that you were with?

18 A. Gabriel Jalomos.

19 Q. Okay. And who was it that was killed?

20 A. Jose Cortez.

21 Q. Anybody else that was there?

22 A. Yes, Your Honor. Emiliano Esparza was there. Sergio
23 Robles was involved. And Paulino Salazar was involved, also.

24 Q. And who did the killing?

25 A. Gabriel Jalomos.

1 Q. Were you there to help the individuals that were going to
2 do the killing?

3 A. Yes, Your Honor.

4 Q. Were you there to be able to assist the Latin Kings in
5 getting this person killed?

6 A. Yes, Your Honor.

7 Q. Was there anything else you did for the Latin Kings?

8 A. At that time, Your Honor?

9 Q. During that period of time.

10 A. I just assisted them in whatever I was asked to do.

11 Q. You assisted them by doing all the activities they wanted
12 you to do?

13 A. Yes, Your Honor.

14 Q. Anything else?

15 A. No, Your Honor.

16 Q. Did you assist them at all with any of the robberies or
17 burglaries?

18 A. No, Your Honor.

19 Q. Did they also beat up people from time to time?

20 A. Yes, Your Honor.

21 Q. Did you assist them on that?

22 A. Yes, Your Honor.

23 Q. In Chicago and in Indiana-- in the Northern District of
24 Indiana?

25 A. Yes, Your Honor.

1 Q. Anything else you want to add?

2 A. No, Your Honor.

3 THE COURT: Mr. Parent, anything else you want to add?

4 MR. PARENT: Yes, Judge. The only thing I also would
5 ask my client, if I might, isn't it true that on this
6 particular time when Jose Cortez was -- was shot and killed by
7 Gabriel Jalomos, you were in possession of a 9 millimeter gun,
8 correct?

9 THE DEFENDANT: Yes.

10 MR. PARENT: And though you didn't shoot Mr. Cortez,
11 you did fire shots at that same incident, correct?

12 THE DEFENDANT: Yes.

13 THE COURT: And you had admitted to that in the plea
14 agreement --

15 THE DEFENDANT: Yes.

16 THE COURT: -- that you had a firearm.

17 Thank you, Mr. Parent.

18 MR. PARENT: And I think that's all I had to add.

19 THE COURT: Mr. Gonzalez, I want you to take a look at
20 Mr. Nozick because I'm going to ask Mr. Nozick what, in
21 summary, are the facts that the government would be prepared
22 to prove at trial as to each of the counts to which you're
23 intending to plead guilty to. I want you to listen very
24 carefully to what Mr. Nozick says because when he finishes,
25 I'm going to ask you whether or not you agree with everything

1 he says, and if you don't agree with everything, what it is
2 you disagree with. Do you understand that?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: So listen very carefully.

5 Mr. Nozick, what, in summary, are the facts the
6 government would be prepared to prove at trial as to the
7 counts to -- as to each of the counts to which the defendant
8 is intending to plead guilty? And I want you to take the
9 counts separately; okay?

10 MR. NOZICK: Yes, Your Honor.

11 If the government proceeded to trial, we would prove
12 beyond a reasonable doubt as to Count One that the Latin
13 Kings, including its associates, constituted an enterprise as
14 defined in the statute 18, U.S.C., 1961(4), that is a group of
15 individuals associated in fact. The Latin Kings constituted
16 an ongoing organization whose members functioned as a
17 continuing unit for the purpose of achieving the objectives of
18 the enterprise, and the enterprise was engaged in and its
19 activities affected interstate commerce.

20 During the course of the conspiracy, this defendant was a
21 soldier in the 99th Street faction of the Latin Kings. That
22 chapter is based in Chicago, Illinois. As a member of the
23 99th Street Latin Kings, he regularly attended meetings. At
24 these meetings, he and others would pay dues. The dues would
25 go to, amongst other things, purchasing more narcotics and

1 purchasing firearms in order to protect their drug trade. At
2 these meetings, they would also regularly discuss gang
3 business, including drug trafficking, murders and robberies.

4 As a member of the 99th Street Latin Kings, the defendant
5 had to post up and patrol in his neighborhood. That means
6 either he's armed or someone with him is armed and they patrol
7 the neighborhood on the lookout for rival gang members and
8 police. In doing so, he would be furthering the activities of
9 the Latin Kings, particularly the drug trade of the Latin
10 Kings, protecting their turf, if you will, against rival
11 gangs.

12 In addition, on May 25, 2008, the defendant participated
13 in the murder of Jose Cortez outside of a bar in East Chicago,
14 Indiana. This defendant was driven by Emiliano Esparza, a
15 defendant who pled guilty last week. Gabriel Jalomos, who
16 previously pled guilty in this court, he was the shooter who
17 killed the victim with an AK-47. This defendant, possessing a
18 9 millimeter pistol, also fired shots. He was assisting
19 Jalomos and others in this homicide. In the other car were
20 codefendants Sergio Robles, also known as Checko, Paulino
21 Salazar and others also contributed and assisted in the
22 planning of this.

23 The drug trade, the beatings, the murders and the
24 robberies occurred both in Chicago and in the Northern
25 District of Indiana in Hammond, East Chicago and also in other

1 towns.

2 As far as Count Two goes, that's the narcotics
3 conspiracy. During the times the defendant -- strike that.

4 During the times charged in the indictment and while the
5 defendant was a member, the Latin Kings were involved in the
6 business of selling large amounts of cocaine, marijuana and
7 other narcotics through *Pinkerton* liability. That is, this
8 defendant is liable for the amounts reasonably foreseeable to
9 him. The Latin Kings people that he was working with easily
10 sold 150 kilos or more of cocaine and over a thousand kilos or
11 more of marijuana. These drug sales occurred both in Chicago,
12 south suburbs, and the Northern District of Indiana, including
13 Hammond and East Chicago. This defendant himself was involved
14 in the sale of large amounts of marijuana.

15 That is all.

16 BY THE COURT:

17 Q. Mr. Gonzalez, did you listen and pay close attention to
18 the government's summary of facts constituting the crimes
19 charged for both Counts One and Two of the third superseding
20 indictment?

21 A. Yes, Your Honor.

22 Q. Do you agree with the government's summary of facts
23 constituting the crimes charged?

24 A. Yes, Your Honor.

25 Q. Any part of it you disagree with?

1 A. No, Your Honor.

2 Q. Do you agree that you attended meetings, paid dues and
3 carried weapons on behalf of the Latin Kings?

4 A. Yes, Your Honor.

5 Q. Do you agree that you sold drugs on behalf of the Latin
6 Kings?

7 A. Yes, Your Honor.

8 Q. And you already have indicated that you assisted in the
9 murder of at least one individual?

10 A. Yes, Your Honor.

11 Q. Anything else you want to add?

12 A. No, Your Honor.

13 (WHEREUPON, this concludes the excerpt transcript of
14 proceedings held on this date.)

15

16

CERTIFICATE OF REPORTER

17

18 I, Kelly M. Fitzgerald, a Registered Merit Reporter and
19 Certified Realtime Reporter, certify that the foregoing is a
20 true, complete, and accurate excerpt transcript of the
proceedings ordered to be transcribed in the above-entitled
case before the Honorable Rudy Lozano, in Hammond, Indiana, on
June 26, 2012.

21 s/Kelly M. Fitzgerald

September 18, 2012

22 Kelly M. Fitzgerald, Official Reporter

Date

23

24

25